

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY
COMMISSION,

Applicant,

v.

ASCENSION BORGESS HOSPITAL,

Respondent.

MISC. ACTION NO.

Honorable

DECLARATION OF RAMIRO GUTIERREZ

I, Ramiro Gutierrez, declare under penalty of perjury and state:

1. I am the Director of the Detroit Field Office of the Equal Employment Opportunity Commission (“EEOC” or “Commission”), and, in that role, I am responsible for the operations of the office, including the investigation of charges of employment discrimination.
2. The Detroit Field Office is responsible for investigating charges that employers have engaged in employment practices made unlawful by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”).

3. Among the EEOC's investigative files in the Detroit Field Office is the file for charge No. 471-2023-00674 ("charge"), filed against Respondent Ascension Borgess Hospital ("Respondent"), located in the Western District of Michigan.

4. I state the following based on my personal examination of the file for charge No. 471-2023-00674:

a. On February 9, 2023, the EEOC's Detroit Field Office received the charge filed under Title VII by a female employee, alleging that she was discriminated against on the basis of race, religion and sex/pregnancy by her employer. (Exhibit A to Memorandum in Support of Application to Show Cause ("Memorandum"))

b. The charge was timely filed according to Title VII.


c. Respondent's response to the charge prior to the issuance of the subpoena consisted of five requests for extension of time to submit a position statement. (Exhibit B to Memorandum)

d. On April 4, 2024, the EEOC sent a request for information to Respondent, to which Respondent did not respond. (Exhibit C to Memorandum)

- e. As a result of Respondent's refusal to respond, on July 2, 2024, the EEOC issued a subpoena to Respondent, No. DT-24-24, with a due date of July 31, 2024. (Exhibit D to Memorandum)
 - f. Respondent downloaded the subpoena from the digital charge portal on July 3, 2024. (Exhibit E to Memorandum)
 - g. The July 31 deadline passed without a reply from the Respondent.
 - h. After this, the Commission twice granted extensions to respond to the subpoena, but Respondent also ignored those extended deadlines. (Exhibit F to Memorandum)
5. To date, Respondent has not fully complied with the subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 11/22/2024



Ramiro Gutierrez, Director
Detroit Field Office